

LINCOLN PLANNING BOARD

OCTOBER 18, 2006

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A special meeting of the Planning Board was held on Wednesday, October 18, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:05 p.m. The following members were present: Patrick Crowley, Diane Hopkins, John Mancini, Gregory Mercurio, and Gerald Olean. Absent were David Lund and Michael Reilly. Also in attendance were Town Planner Albert Ranaldi, Town Engineer Kim Wiegand and Town Solicitor Mark Krieger. Margaret Weigner kept the minutes.

Chairman Mancini advised five members present; have quorum.

SECRETARY'S REPORT

There was no secretary report for review.

CONSENT AGENDA

Chairman Mancini stated that there is only Correspondence/Miscellaneous on the Consent Agenda. There are

two items under #7 – final plan approval and remediation bond approval. Mr. Ranaldi explained that a minor subdivision of one lot into two met all of the Preliminary Plan conditions and submitted their final plans which were checked and approved. Lincoln Ridge also came in for their remediation bond after Preliminary Plan approval. Ms. Wiegand did a calculation that came out to \$9,500 for hay bales and sedimentation controls. The check was paid and has started work.

Mr. Olean made a motion to accept the Consent Agenda as recommended by the TRC. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean made a motion to move Item #6 up to the next item on the agenda. Ms. Hopkins seconded motion. Motion passed unanimously.

Mr. Crowley recused himself as he is an abutter.

Mr. Ranaldi explained that this is a zone change for 3 lots. This was part of the Planning Board's recommendation of the overall zoning ordinance amendment. One side is Scott's Pond; the other side is all residential RG-7. This was historic zoning where it used to be an old ice house – they got their ice from Scott's Pond and the Town kept it as a business limited district (BL-05). The TRC and the Planning Board recommended that the entire area be changed to RG-7. The

applicant has decided to move forward at a quicker pace than the entire Zoning Ordinance is going. He has presented several architectural plans and floor plans for renovations to the property. The TRC recommends the zone change, but hopes that the applicant doesn't think that this will all be approved at one meeting. There is significant grading, no mention of public safety or public utilities. He wants everyone to be very clear that this is just a zone change.

Chairman Mancini reiterated that this is one of the changes recommended for the Zoning Ordinance Amendment. His only concern is that the Board makes a recommendation for the zone change before the Town Council is able to look at the total package. This would not have been a problem if we knew the Town Council was going to vote on it next month. His concern at this point in time, if there were no pending changes out there, he would consider this moving forward. Because there's a possibility that the Town Council has other ideas about this area, he doesn't want to recommend a zone change. A zone change is a very critical move when you start rezoning specific areas without coming up with a total package.

Mr. Krieger stated that he wanted to bring the Board up to date on the Zoning Ordinance Amendment. The public hearing was continued until Monday when the Town Council rejected the amendment as proposed. A newly drafted amendment that dealt with issues that came up during the public hearing will be presented to the Town Council. The Rural Flexible Zone and the Rural Protection Zone have

been removed from the Zoning Ordinance Amendment. The Town Council wants to fast track this amendment and not let it linger on as some members may not be returning and want to address it this year in a timely manner. Chairman Mancini stated that he would rather have the Town Council consider the total package. Mr. Krieger stated that the applicant has the right to request the zone change. Another applicant has requested a zone change in the Saylesville Mills even though a mill conversion overlay district has been proposed in the amendment and an applicant from Lonsdale Mills is appearing before the Zoning Board for a use variance. Some people are not willing to wait and it is their right. The Planning Board and Zoning Board may agree that it is best to wait, but the applicant can utilize what is in place now. Chairman Mancini stated that his comments should not be construed as rejecting or having a personal feeling against it. He would like the Town Council to consider the total package. Mr. Ranaldi stated that he has had extensive conversations with the applicant and asked him to wait until it was passed by the Town Council or present a complete package.

Mr. Olean stated that instead of approving the zone change, word it so that no recommendation is being made as the Board doesn't have sufficient information. There will be public input at the Town Council meeting.

Mr. Mercurio made a motion that no recommendation is made as the package is incomplete. Mr. Olean seconded motion. Motion passed

unanimously with the exception of Mr. Crowley, who recused himself from this matter.

Mr. Ranaldi wanted to continue on Mr. Krieger's thoughts about the Zoning Amendment. There have been several items distilled and taken out based on meetings and work sessions. In his opinion, the Zoning Amendment hasn't changed significantly. The Town Council recommended putting it back out to the public. He will provide copies of the Zoning Amendment to the Board.

MAJOR SUBDIVISION REVIEW

a. **Sables Road Subdivision – Phase 2 AP 44 Lot 33** **Public**
Hearing – 7:15 pm

Leslie W. Sables **Lantern & E. Lantern Rds.** **Preliminary Plan**

Discussion/Approval

Chairman Mancini explained the process for the public hearing. Mr. Ranaldi will discuss the development, the developer will make a presentation, the Planning Board can ask questions, and then the public may speak. The list of abutters was read.

Mr. Ranaldi stated that this application is under the 2005 Subdivision

Regulations. It is Phase II of a two phased project. The original project that received Master Plan approval was for seventeen lots. There will be a cul de sac that will service nine lots. Phase II is being serviced off of the existing road, East Lantern Road, with eight single family residential lots. The applicant is asking for one waiver for the last house lot at Lantern and East Lantern Road due to RIDEM asking them to move the water and sewer lines out of the buffer area. The TRC has reviewed the plans and offer their comments. There will be public sewer and water. The water agreement is being finalized. The sewer will be owned and maintained through a private Home Owners Association (HOA). The agreement must be approved by the Town Solicitor as a condition of approval.

Attorney John Mancini represented the applicant. This is the second phase of a 17 lot subdivision that received Master Plan approval. They are here tonight for Preliminary Plan approval for Phase II which is 8 lots. All eight lots have frontage off of East Lantern Road. The subdivision meets all of the regulations except for one waiver requested for Lot #10 due to the drainage and site easement. A drainage easement will continue down East Lantern Road providing for a swale. The project will be serviced by public water and sewer and lines will be maintained by a HOA. Drafted documents have been submitted to the Lincoln Water Commission and drafted documents for the HOA for the sewer have been submitted and reviewed by the Town Solicitor and returned with comments. Mr. Krieger stated that he has reviewed the submitted proposal and does not anticipate any

major stumbling blocks. He is trying to ensure for the Town that funds paid into the HOA through assessments and the initial deposit of the developer will be accessible to the Town in the event anything is needed for the lines or for the sewer pump station. Mr. Mancini stated that the developer has agreed to an initial fund of \$10,000 and to indemnify the Town. There will also be an easement to the Town to access the sewer and water lines in the event there is an emergency.

Mr. Joshua Rosen, of Commonwealth Engineers, stated that this is Phase II of a two part subdivision with 8 proposed single family lots in Phase II. The two key issues are the drainage and the improvements that the developer is willing to take on. As noted on the plans, there is no proposed public street, as there is an existing East Lantern Road. The developer has been willing to overlay the entire pavement from the initial wetland area all the way down to the limits of the site. In doing the overlay, Lot #17 will also encompass an area for an emergency vehicle turnaround with a 50' radius. East Lantern Road is a dead end. Other improvements include re-modifications to the culvert on East Lantern Road adjacent to the wetlands. A sight easement is provided around Lot #10 to improve traffic safety and sight distance in that area – selective under cutting and tree clearing will be maintained as such to modify sight distance. A 30' wide drainage easement from Lot #10 to Lot #17 will provide a swale with overlaying grade and culverts under the proposed driveways to carry storm water generated from the site construction away from East Lantern Road and discharge into the wetlands

without impact to the roadway. He will entertain any engineering questions that anyone may have.

Mr. Mecurio asked what would happen after the initial deposit of \$10,000. and if funds would be paid when the lot is sold or house is built. Mr. Mancini stated that the funds would be paid when the house is sold. The developer will incur upfront fees of installation and maintenance, and as the houses get sold, a percentage would go into the maintenance fund with future annual assessments. That language will also be in HOA documents and the deeds, which allow the HOA and the Town to lien the property if fees are not paid. Mr. Mercurio asked Mr. Mancini to confirm that an initial deposit of \$10,000 would be made, with an assessment paid when the house is sold, and the enforcement in place that the Town can execute a lien on that money if they needed to. Mr. Mancini replied that was correct.

Chairman Mancini asked Ms. Wiegand if she had any concerns. Ms. Wiegand stated that this project has been thoroughly reviewed as part of Phase I. The applicant provided more information than was required at Master Plan because of the sensitivity of the site.

Mr. Olean asked if Lot #10 was less than 40,000 sq. ft of buildable area and Mr. Rosen replied that it is just over 33,000 sq. ft. of buildable area – the total lot is 60,000 sq. ft.

William Rampone of 35 East Lantern Road, Smithfield stated that he

was present at the last meeting about Phase I. There was talk of widening the road. East Lantern Road from Lot #10 to the end is 12' wide. A ten-wheeler came down the road, and there was no room for anyone else on the road, he had to back up into someone's driveway. When constructing a house on Lantern Road, there were trucks parked on both sides of the road. There were problems when his house was built. You can not have two cars passing at one time. Houses are built on one side or another; you can not have houses facing each other on a 12' road. He doesn't know what they're going to do with the additional vehicles when the houses are built. The developer talked of widening the road to 18' and now that's not even being done. A rescue had to come to someone's home in the area and it took 20 minutes to get through. It is an impractical development. It will make a nice area a not so nice area. The lots are narrow, the frontage is 30', and the houses will be right on the road. There are many small children in area. There are two buses that come down daily and they have a lot of trouble turning around. A lot of people turn around in his driveway. What will happen to the people in the area during approximately two years of construction? Chairman Mancini stated that in some cases the roads are narrow, with no way of widening them because the land is privately owned. Ms. Wiegand stated that during construction, traffic will be an issue, but a narrow road forces people to slow down. Mr. Rampone stated that is insane. No one goes fast – you can not even fit two cars on that road. He would invite any member to go there and drive up and down the road when trucks are coming and see how bad it is. A fire

truck couldn't even get down the road if a car was on the road, the car would have to go off the road.

Mr. Mancini stated that the road varies from 12' to 18' along the way and one of the things they've done to alleviate the concerns is the 50' cul de sac turnaround at the end of the road to provide for adequate access and turnaround for emergency vehicles and anyone who uses that road. The developer is providing overlay but does not have the ability to wide the road. As far as the frontage, all of the lots meet the subdivision regulations.

Mr. Rampone asked what good the turnaround was if you can't get to it. The road needs to be widened, not a turnaround. The 18' section of road is right off of Whipple Road, the rest of the road is 11-12'. There are many children in area and it is a hazard to walk in the area. It will be a nightmare during construction. Mr. Mercurio asked if there were sidewalks now and Mr. Rampone replied no. Chairman Mancini stated that the subdivision standards for road width do not apply to existing roads. Unfortunately, you can not force the developer to widen the road. They can only ensure the safety factor is considered.

There will be eight new homes, if there were 35-40 homes going in the area, and you had a narrow road, then that would be a consideration. It is sometimes difficult because we have to comply with the subdivision and state regulations. Mr. Rampone would request that the waiver not be granted. He would make the common sense argument again – the road needs to be widened – it is a public

safety issue. He does not see how it's not a public safety issue.

Robert VanNieuwenhuyze of 43 East Lantern Road, Smithfield stated that he has been a resident of East Lantern Road for 35 years, when there were only three houses on the road. He can not underscore what Mr. Rampone said about public safety. At the last meeting, he made the same comments. Public safety was his main argument – he is not against development - but when he looks at this plan he doesn't see any responsibility on the side of the developer. Maybe everything looks great on paper and complies with the regulations but who is responsible for the public safety of these residents. The road is only 12' wide. There are some narrow roads out there. He is a Smithfield police officer and during his travels of 27 sq. miles of Smithfield, he has not seen a road quite like Lantern and East Lantern Roads. It is a long, narrow dead end street. It is wider now because the towns of Lincoln and Smithfield put an overlay on road due to damage of vehicles. He asked if anyone from the Town of Smithfield was notified and the police and fire chief of Lincoln. The density is being doubled. Lantern Road is the only way in or out of East Lantern Road. At the last meeting, East Lantern Road was supposed to be widened to 18'. No widening will be done on Lantern Road. He feels that eight new houses will be a major problem in area and he wants it on the record that he is qualified to give the opinion because he lives on the road. There are a lot of children in the area. They have dealt with the traffic issues quietly. This is a for-profit venture – the property was inherited from his aunt. There is no good, legitimate

reason to put eight houses on this road other than for the developer to make money. Chairman Mancini asked him if he were a developer, shouldn't he be able to make money. Mr. VanNieuwenhuyze replied that he would make money responsibly, not at the safety expense of everyone else that lives on this road. He further stated that at the last meeting, everyone was concerned about widening the road and now they're not. He is very insulted. Chairman Mancini stated that the plan was no different from when the plan received Master Plan approval. There is nothing different from Master Plan to now. Ms. Hopkins stated that the members have walked the road when the project first came before the Board. This project has been through a very long process. Mr. VanNieuwenhuyze stated that he is very emotional as safety is an issue. East Lantern Road is one of the narrowest roads in Smithfield. He understands that the Board has no control over the roadway; he feels that the developer is not addressing safety concerns. He has been blocked by trucks for periods of time – an oil truck that refused to move, trucks unloading, trucks filling up a pool with water – on Lantern Road near the Pezzelli property with embankments on both sides. He is insulted that no one thinks this is an issue. Mr. Crowley stated that not everyone has voted on this plan and hopes not everyone insulted him. Mr. VanNieuwenhuyze respects every one that is doing their jobs, but doesn't see how it can be considered logical and considered a safe development. The safety issue is the most important one. You are doubling density and vehicles in area. Smithfield picks up trash and recyclables for Lincoln residents on that road now but doubt they will

want to pick up for eight new Lincoln residents. So now we'll have two trash and recycling trucks coming down the road. We already have two mail men. It is a unique road on the town line, about a half mile long and a dead end. There are too many points that will threaten public safety. He feels that the Town of Smithfield should have been notified. Chairman Mancini stated that the Town of Smithfield was notified. Mr. VanNieuwenhuyze asked why eight houses and not five houses like on the Smithfield side – the developer should reduce the number of houses to five. Will drainage problems increase when the overlay is done? There are no curbs on road. He could go on and on, but he wants to reiterate the public safety issue. A responsible developer will not have eight houses on a tiny street.

Attorney Mancini advised the Board and those present that the developer has met the notice obligation of RIGL 45-23-53 which is a state statute and the subdivision regulations requiring notification to adjacent municipalities. This was done at Master Plan. This subdivision meets all regulations and is solely asking for a waiver for Lot #10. The important thing to keep in mind is this is an existing roadway. RI laws provide the right to access any road that abuts your property. You would have to develop a paper street, but this is an existing road and the developer is not obligated to make improvements.

Mr. Rampone stated that not one word was said about public safety.

Chairman Mancini interrupted him and stated that this development has been in front of the Board for months. If there are safety issues, the Board contacts the police and fire for input. The Board makes it a point to contact safety officials. Mr. Rampone stated that he does not want to perpetrate a falsehood, but does not remember notification at Master Plan. He wants it known that there was not one word in Mr. Mancini's response that there was not one word about the residents' concerns. Chairman Mancini stated that the state laws and regulations also protect the developers as well as the homeowners. The Board enforces existing regulations and policies. The Board can not deny all developments in town. Mr. Rampone stated that he does not see how someone can wash their hands of the concerns of the abutters. None of our concerns have been addressed. Chairman Mancini thinks that it is unfair of him to say that.

Mr. Mercurio stated that all the issues have been addressed. The problem the Board has is that it only has so much leeway to enforce what is already written. He would love it if the regulations stated that all of the roads in town had to be 30' wide. It is not a regulation that the Board can enforce because it does not exist. The Board can be empathetic but can not deny the developer the right to develop based on a regulation that does not exist. Mr. Crowley stated that as he told your neighbor, the Board hasn't voted on this tonight. Just because Mr. Mancini has not addressed your concerns, it doesn't mean that the Board has washed their hands of it - the Board is hearing your concerns now. Chairman Mancini stated that he wanted it clear that

Mr. Mancini was the attorney and he was Chairman Mancini – he didn't want people to get confused. Mr. Rampone stated that he is sorry if he offended anyone because that was not his intent. As his neighbors said, this is an emotional issue because this is where we live. He asked why there can't be four or five houses there, instead of eight. Mr. Mercurio stated that reducing the number of houses will not widen the road. Mr. Rampone stated that there will be less people on the road with fewer houses. Chairman Mancini stated that there is no magic number to justify the denial. The Board has standards to abide by. Mr. Rampone wanted to know who to call when all of these problems come to fruition and Chairman Mancini told him to call Mr. Ranaldi. Chairman Mancini told him to call him, he's in the book.

Mr. Mancini stated that they are not ignoring the residents' concerns. They have already gone through the process. The TRC reviews the plan at Master Plan level and again at Preliminary Plan level. The developer has done what he can in concern of public safety in response to the Town's comments. Once the applicant has met the subdivision regulations, there is no discretion any longer. The amount of lots that can be placed on that parcel of land is not dictated by how wide the road is. It is dictated by your subdivision regulations, your zoning ordinance, and state statutes. This is a responsible developer who has developed in the past in the Town.

Kimberly Silva of Lantern Road stated that she just finished building a beautiful home on Lantern Road. She was under the erroneous

impression that eventually the road would be widened and therefore built their house with the utilities and poles set back. The road is dangerous. She purchased the property believing the road would be widened. She has had to back up her car with her children in it to let someone get by. It would be irresponsible and dangerous for the road not to be widened. It needs to be addressed. Had she known, she never would have built her home there. She is extremely disappointed to hear that the road will not be widened.

Lindsay Unger of 115 Angell Road stated that she recently moved in and was told that the area around us was owned by the Town of Lincoln and was wetlands and there would be no there would be no development behind her. She came in to see the plans and was told that there was going to be a road put in, Sables Road. That was part of Phase I. She asked if that was already approved. She would not have bought the house knowing there was going to be a road between her and the neighbors. She wanted to know if there was someone that she can talk to about Phase I. Chairman Mancini advised her to go see the Town Engineer. Ms. Unger also asked if there would be a buffer of trees and Chairman Mancini advised her that she really needs to come into Town Hall and talk to Ms. Wiegand or Mr. Ranaldi.

Paul Koppel of 16 Lantern Road, at the corner of Lantern and Whipple Road stated that he was at the last meeting for Master Plan and the meeting adjourned with several questions unanswered. That was the

last time he received notification. He never received another notification to come and discuss issues not talked about. Chairman Mancini explained the hearings – two hearings – a public informational hearing at Master Plan and a public hearing at Preliminary Plan. Once a public hearing is held, a decision may be made the following month. You won't get a separate notice – it is not a public hearing. You can come, but I won't allow you to speak. Mr. Koppel asked how the public gets a chance to talk about unanswered questions. Ms. Hopkins stated that a notice of meeting is posted. All issues are discussed at the next meeting. Mr. Koppel was disappointed that he wasn't notified of future hearings. Chairman Mancini explained the Open Meeting Laws of the State of Rhode Island. The process is stringent, but everyone is aware of what is going on. The Board has 120 days to make a decision once an application is certified as complete. Mr. Ranaldi informs the Board when a decision must be made. A decision must be made on this project by November 28, 2006. If no decision is made tonight, the matter will come before the Board at next month's meeting. Mr. Koppel stated that at the last meeting, the sewer issue was not resolved. Chairman Mancini stated that sewer and water do not have to be solidified until Preliminary Plan level. Mr. Koppel looked at the sewer plan showing all of the houses to be serviced by sewers, and there are only 3 houses left on Lantern Road with no opportunity to get town sewers. If this was a town project, his house and two houses near him would have the opportunity to connect to the sewers. The way the system is set up, the Town wipes their hands of

it because of the HOA. He asked why the developer can't run the pipe down the road to the property line. Chairman Mancini stated that the Board can not force the developer to do that. Mr. Koppel asked why the developer couldn't run a sewer pipe a couple of hundred feet down the road. Ms. Wiegand stated that the town has never had any intention to sewer Lantern Road. Mr. Mancini stated that there is a substantial amount of ledge. The reason that this sewer plan is being proposed is because the town wanted to reduce liability for the sewer system and wanted an HOA. The HOA is now the owner of the line – the HOA has to maintain it and have the liability. The developer went through a lengthy process and discerned how the sewer line would be constructed, installed and maintained. Mr. Koppel stated that he never had the right to discuss it. To keep the peace, the developer should do it. Chairman Mancini stated that the town may not allow it. The sewer supervisor would have to approve it. Mr. Olean stated that he is the oldest member of the Board and this does not happen overnight. The sewer line is not in the street – it is in the backyards. The sewer line is on private property and is a private system built and maintained by the developer. Mr. Koppel stated that nothing can be done in his area, but if something can be done as his neighbors asked, the Board should take it under advisement.

Mr. VanNieuwenhuyze attended every meeting. He remembers the low-to-moderate housing project. He has been following it every step of the way. His concerns have always been expressed. The developer is doing everything that he is legally required to do.

Beyond the turnaround is a parcel of land with East Lantern Road as the only way out. What if we end up with 5, 6 or 7 more houses? He is reminded every single day of his concerns while traveling on the road. He realizes that he can't stop development but would like the number of houses reduced. He has a real safety concern here.

Mr. Mercurio asked Mr. Rosen if anything can be done about the width of the road. Mr. Rosen replied that the developer exceeded the requirements of the subdivision regulations. He thinks that the developer has done everything that he can do. Mr. Mercurio asked what prevents widening the road. Mr. Rosen replied that cost is obvious. If the developer can overlay on the Lincoln side of the road, he will. He is providing a turnaround, drainage improvements, sight clearing, drainage swales, and storm water control.

Chairman Mancini stated that a decision would not be made tonight. The next meeting is November 15th. The concerns will get back to the developer and the abutters will be back to see if the Board is responding to their concerns. Whatever can be done to address the concerns without costing a million dollars should be done. The developer is asking the Board to consider a waiver of one of the lots.

Mr. Mancini stated the impacts to widening the road is the swale drainage system - if you are going to add impervious space to that, it will affect the drainage system, drainage design and drainage calculations. It will also affect the current design of where the sewer

easement is going, as well as affect frontage and square footage of the lot. If you tweak one item, then you have to start redesigning everything. Everything impacts everything. Mr. Mancini promised they would go back and look and see if everything can be done, but he doesn't want to make any promises or give anyone false hope or misrepresentation that the road can be widened. Mr. Mercurio asked if the Town of Smithfield could get involved on the other side of the road. Mr. VanNieuwenhuyze stated that he could inquire at the Town, but had spoke to the Director of Public Works in Smithfield who was instrumental in getting the overlay that is there now. Mr. Mercurio suggested that he contact Smithfield and voice his concerns and they may be able to help him. Ms. Wiegand stated that about 1-1 ½ years ago, she contacted Dick Geldard, the Smithfield Town Engineer. They reviewed the plans together, visited the site, drove up and down the roads, he was very pleased with the turnaround; she explained the drainage swales and sight distance easement. He commented that the Town of Lincoln was addressing a number of issues. They discussed the overlay. Last week, she spoke to Jim Sousman from the Town of Smithfield.

Mr. Rosen reiterated that the developer was willing to provide improvements. A couple of areas that seemed critical throughout this whole process was brought up from the TRC and addressed by the developer. He had a willingness to hear feedback. There was one issue with the widening of the Lantern Road, and the developer was willing to incur the cost, but it would have had a detrimental impact to

the wetlands; they applied to RIDEM Freshwater Wetlands and it was not allowed. That was a key area to widen, as it would do justice for the residents. Around lot #10, a sight distance easement was given to help traffic safety. On the outskirts of the site on Lantern Road, there was some ledge outcrop around the corner that the developer was willing to move to make the turn more traffic friendly, but the outcrop was on private property, not a town right of way and was out of the developer's hands. Those are some of the things the developer was willing to consider and incur the costs. Mr. VanNieuwenhuyze stated that Mr. Rosen just said it - to increase traffic safety and the safety in the area. If the developer can't do it, why is the plan the same? The developer was willing to make adjustments, but for reasons out of their control, they can't do it, but the developer comes back with the same plan for eight houses whether they could widen the road or not. He has a problem – maybe not a legal problem, but a moral one. There are limitations to developing here; the issue is the little trail of a road. Chairman Mancini stated that many times, they ask the developer to improve conditions, over and above what they are required to do. If the developer can – great! if they can't, it doesn't necessarily mean that the Board denies the development. The Board did ask for improvements, but if the road can't be widened, the road can't be widened. Mr. Mercurio asked what would have happened if the Comprehensive Permit went through for this property; the Board would not have had any prevue on it. Mr. VanNieuwenhuyze understands what could have happened – that's why he always came to all of the meetings. Ms. Hopkins asked what

was better – 8 houses or 135? Mr. Crowley announced that he does not understand that it's a choice between 8 and 135. He wants to make sure that that's not the choices that we have. Mr. VanNiuewenhuyze stated that he wanted to know why eight houses were needed on this road; the developer should reflect on his own actions and take public safety into account.

Mr. Kopple stated that the sewer runs down Lantern Road and he should be able to contact to the sewer. Chairman Mancini advised Mr. Koppel to go to Town Hall and talk to the sewer department or to see Ms. Wiegand and she could direct him. The issue of hooking up three neighbors to the sewer is not the issue before the Board. That is not a Planning Board issue. If the sewer department wants that as an option, they can inform Ms. Wiegand and she will work with the developer.

Steven Fisk of 41 East Lantern Road stated that he agrees with his neighbors 100%. He is not going to beat a dead horse – there is a safety issue on this street. He has two children that started driving and it is a big concern. He just wanted to be on record with his concerns.

Mr. Olean made a motion to close the public hearing. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean made a motion to defer the matter until the November 15th

meeting. Mr. Mercurio seconded motion. Chairman Mancini advised the abutters that there is a Technical Review Committee that meets a week prior to regular Planning Board meeting – a week before November 15th. Call the Town Hall to find out date and time. Abutters can sit in on the meeting with town officials and a member of Planning Board and any other departments needed – water, sewer, fire, etc. Motion passed unanimously.

b. Kirkbrae Ledges Subdivision – Phase II AP 32 Lot 45 Public Info Meeting – 7:30 pm

**Kirkbrae Ledges, LLC Lancers Lane & Master Plan Discussion/
Hemlock Roads**

Approval

Chairman Mancini stated that the next item is a public informational hearing for Kirkbrae Ledges, for consideration of the Master Plan.

Mr. Krieger stated that both Assistant Solicitor Paul Brule and himself have had business relationships with the applicant, so out of an abundance of caution, he is recusing himself from this hearing. He has obtained the services of Jack Gannon, who will sit with the Board and provide legal assistance if required.

Chairman Mancini explained the process for the hearing. Mr. Ranaldi will give a brief description and rundown of development, the developer will make a presentation, then the Board members may ask

questions, and then the public will have the opportunity to speak. The list of abutters was read. Master plan is the conceptual plan of what the developer would like to do.

Mr. Ranaldi stated that this is an eleven single family residential lots under the 2005 Subdivision Regulations and received a Certificate of Completeness on July 17, 2006 and the Board has until November 14, 2006 to approve, approve with conditions, or deny. This has been placed on next week's agenda for a decision, unless another compromise is reached regarding the deadline. The application is for eleven single family residential houses – one house off of Hemlock Road and the other ten off of Lancers Lane with two cul de sacs to serve those properties. All houses will be serviced by public sewer and water. This application is very different than what we have addressed in the past. This application has six waivers that they're asking for, down from thirteen previously requested. One reason for the waivers is the offsite improvements that they are proposing. There are two lots that have less than 20,000 sq. ft. of buildable land due to existing steep slopes, two lots that have less than 20,000 sq. ft. due to wetland buffer areas. The proposed house off of Hemlock Road is within a 200' jurisdictional wetland. This is at Master Plan and it would have to be determined by the Board and then by RIDEM for approval. The TRC weighed the benefits of the offsite improvements versus the six waivers. The TRC feels that the offsite improvements outweigh the waivers. RIDEM will have the final say on a couple of these house lots. This is a decision that the Board needs

to think long and hard regarding. Chairman Mancini asked him to explain the zone – 20,000 sq. ft. Mr. Ranaldi stated that every lot is 20,000 sq. ft or more. The regulations say that the buildable lot has to be the high and dry of the zone - 20,000 sq. ft of high and dry land. Some of the lots may not have 20,000 sq. ft. of buildable area. They may have 17,000 sq. ft and the remainder may be within a wetlands buffer. These lots are not conforming to our buildable lot area. The waivers for the steep slopes are steep slopes that exist today. The slopes would have to be taken down to build the houses, but it is a waiver that they require.

Attorney Mancini stated that this project is at Master Plan stage. Under state statute, this is the opportunity for the residents to voice their comments as to the plan. As far as meeting obligations, the Master Plan is a conceptual plan, they are not obligated to go into detail. They have received a Certificate of Completeness. They are proposing eleven lots on three cul de sacs. One cul de sac exceeds the requirement of 720', the proposed cul de sac is 1040', necessitating a waiver. The second waiver is for sidewalks. There are no sidewalks in the area. In respect to lots #1, #5, #12, and #13, separate waivers are being requested as the land does not meet the land suitable for development. This subdivision conforms to the zoning ordinance, square footage and frontage of RS-20, as that is the governing zoning district for this parcel. This project will provide benefits to the Lincoln Water Commission and the Route 295 rest stop. Water and sewer will benefit this development and the LWC to

provide better service. The sewer line will also be a benefit to the rest stop on Route 295. If Master Plan approval is received, they will have to apply to RIDEM for approval. Wetlands have been flagged.